

DEFENDANT.

JURY DEMAND

I. INTRODUCTION

- ## II. JURISDICTION AND VENUE

- ### III. PARTIES

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IV. FACTUAL ALLEGATIONS

6. On October 3, 2005, the Defendant commenced a lawsuit in the Small Claims Court of Houston County, Alabama bearing case number SM 2005-3404. A copy of the "Statement of Claim" is attached hereto as Exhibit "A."
7. The alleged debt in which Defendant, Unifund, commenced suit was originally owed to Verizon Calling Card Classic.
8. The alleged debt was for personal, family, or household purposes.
9. There was no further documentation attached to the Statement of Claim.
10. The "Statement of Claim" alleged a consumer debt in the amount of \$1,838.65 for a "verified account stated."
11. The Verizon Calling Card Classic account, which is the purported underlying debt to the Unifund Statement of Claim, originated beyond the expiration of the statute of limitations.
12. The Defendant, Unifund, by filing the collection lawsuit on October 3, 2005, against the Plaintiff, attempted to collect a debt known to be outside of the Alabama statute of limitations.
13. The Defendant purchased account number 4223980186053977 from Verizon Calling Card Classic.
14. At the time of purchase, the above-referenced account was in default by three (3) years or more.
15. The Defendant reported, on the Plaintiff's consumer credit file, that the Verizon Calling Card Classic account was opened in February, 2005, and closed in March, 2005.
16. By reporting that the Verizon Calling Card Classic account was opened in February, 2005, and closed in March, 2005, the Defendant was reporting false credit information which Defendant knew to be false.

COUNT I - VIOLATION OF 15 U.S.C. § 1692d Harassment or abuse.

17. Plaintiff, Shatanya S. Ward, adopts and incorporates paragraphs 1 through 16 as if fully set out herein.

18. 15 U.S.C. § 1692d prohibits the Defendants from engaging “in any conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of a debt.”
19. The Defendant, Unifund’s, filing of a time-barred debt constitutes harassment, oppression, and abuse of the Plaintiff.
20. The Defendant, Unifund, knowingly filed the time-barred debt for the sole purpose of harassing, oppressing, or abusing the Plaintiff.
21. The Defendant’s violation of 15 U.S.C. § 1692d renders it liable for damages, statutory damages, costs, and reasonable attorney fees. 15 U.S.C. § 1692k.

COUNT II - VIOLATION OF 15 U.S.C. § 1692e(2)
Falsely representing the character, amount,
or legal status of any debt.

22. Plaintiff, Shatanya S. Ward, adopts and incorporates paragraphs 1 through 21 as if fully set out herein.
23. 15 U.S.C. § 1692e(2)(A) prohibits debt collectors from using false representations as to the character, amount, or legal status of any debt.
24. The Defendant violated this portion of the FDCPA by filing a lawsuit on a time-barred debt.
25. The Defendant’s violation of 15 U.S.C. § 169e(2) renders it liable for damages, statutory damages, costs, and reasonable attorney fees. 15 U.S.C. § 1692k.

COUNT III - VIOLATION OF 15 U.S.C. § 1692e(8)
Reporting false credit information.

26. Plaintiff, Shatanya S. Ward, adopts and incorporates paragraphs 1 through 25 as if fully set out herein.
27. 15 U.S.C. § 1692e(8) prohibits the Defendant from communicating to any person credit information which the Defendant knows to be false.

28. The Defendant violated § 1692e(8) by reporting false credit information pertaining to the Verizon Calling Card Classic account. Specifically, the Defendant alleges that the Verizon Calling Card Classic account was opened in February, 2005, and was closed in March, 2005.
29. The account was originally opened in August, 2000, and the Plaintiff last made a payment on the account in 2001.
30. The Defendant's violation of 15 U.S.C. § 1692e(8) renders it liable for damages, statutory damages, costs, and reasonable attorney fees. 15 U.S.C. § 1692k.

COUNT III - VIOLATION OF 15 U.S.C. § 1692e(10)
The use of false representation or deceptive
means to collect or attempt to collect
any debt.

31. Plaintiff, Shatanya S. Ward, adopts and incorporates paragraphs 1 through 30 as if fully set out herein.
32. 15 U.S.C. § 1692e(10) prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt.
33. The Defendant violated § 1692e(10) by commencing a lawsuit on a time-barred debt. The use of the State Court of Alabama to collect on a time-barred debt constitutes false representation or deceptive means to collect or attempt to collect a debt.
34. The Defendant's violation of 15 U.S.C. § 1692e(10) renders it liable for damages, statutory damages, costs, and reasonable attorney fees. 15 U.S.C. § 1692k.

COUNT IV - VIOLATION OF 15 U.S.C. § 1692f
Unfair practices.

35. Plaintiff, Shatanya S. Ward, adopts and incorporates paragraphs 1 through 34 as if fully set out herein.
36. 15 U.S.C. § 1692f prohibits the debt collector from using any unfair or unconscionable means to collect or attempt to collect any debt.
37. The Defendant violated § 1692f by filing a lawsuit on a time-barred debt.

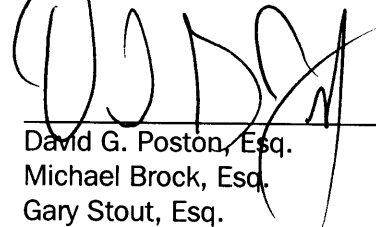
38. The filing of the lawsuit on the time-barred debt constitutes either unfair or unconscionable means.
39. The Defendant's violation of 15 U.S.C. § 1692f renders it liable for damages, statutory damages costs, and reasonable attorney fees. 15 U.S.C. § 1692k.

WHEREFORE, Plaintiff, Shatanya S. Ward, prays this Honorable Court enter judgment against the Defendant, Unifund CCR Partners, for the following:

- 1) Actual damages;
- 2) Maximum statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k;
- 3) Costs and reasonable attorney fees; and,
- 4) For such other and further relief as may be just.

Respectfully submitted,

BROCK & STOUT



A large, stylized handwritten signature in black ink, likely belonging to David G. Poston, is written over a horizontal line.

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